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OCT 28 2004

In re Application of
ZHANG et al.
Application No. 09/695,414
Filed: October 25, 2000
Attorney Docket No. 0756-2218

DECISION ON PETITION

This is a decision on the petition filed March 22, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A Notice of Appeal was filed on June 25, 2003. A Notice of Abandonment was mailed on December 23, 2003.

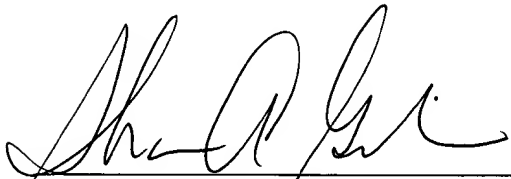
Petitioner asserts that the Appeal Brief in response to the Notice of Appeal was timely filed with the appropriate fee in the Patent and Trademark Office on August 28, 2003 (certificate of mailing dated August 25, 2003). This is evidenced by a copy of the postcard receipt indicating receipt of the Appeal Brief and check in the Patent and Trademark Office.

The review of the application file reveals that the Appeal Brief in response to the June 25, 2003 Notice of Appeal and the appropriate fee were received and matched with the file. However, the Appeal Brief was not noticed by either the examiner or the technical support staff and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the Appeal Brief in response to the June 25, 2003 Notice of Appeal. From there, it will be returned to the examiner for further prosecution.

Questions regarding this decision should be directed to Jose' G. Dees at 571-272-1569.



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